IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

OP.No. 6685 of 1998(U)

PETITIONER:

DEEPA TIMBERS & WOOD WORKS,
VALLAKADAVU PO., TRIVANDRUM REP.BY
ITS PROPRIETOR L.A.XAVIER D'CRUZ,
VELIATHURA, TRIVANDRUM 695 008.

BY ADV. SRI.M.STANLEY FERNANDEZ

RESPONDENTS:
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1. **UNION OF INDIA, REP.BY ITS SECRETARY,**
   THE MINISTRY OF FINANCE,
   GOVERNMENT OF INDIA, NEW DELHI.

2. **DENA BANK, TRIVANDRUM BRANCH,**
   TRIVANDRUM.

3. **DEBTS RECOVERY TRIBUNAL,**
   SPENSOR TOWERS, 6TH FLOOR,
   770 A, ANNA SALAI, CHENNAI 600 002.

BY ADV. SRI.L.MOHANAN
SRI.D.SAJEEV
SRI.S.SREEKUMAR NAIR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.6685/1998

ORDER ON CMP. NO.11863/1998 IN OP. 6685/1998

DISMISSED

06.09.2007 **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE EP 275/96 IN OS. 50/1985 OF THE SUB COURT , TRIVANDRUM DT. 2.1.98.

EXT.P2:- COPY OF THE NOTICE OF THE DEBT RECOVERY TRIBUNAL CHENNAI IN T.A. 1356/97.

/TRUE COPY/

P.S. TO JUDGE

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.6685 of 1998-U

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Dated this the 6th day of September, 2007.

JUDGMENT

The plea of the petitioner is that the proceedings by which execution proceedings pending before a civil court has been transferred to DRT is unauthorized. The said contention does not stand in the light of the decision of the Apex Court in **Punjab National Bank v. Chajju Ram** [(2000) 6 SCC 655]. Hence, this writ petition is dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.6685 of 1998-U

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JUDGMENT

Dated: 6th September, 2007.